

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

JORGE NAVARRO, ERICA GARCIA, MARCOS  
ZULUETA, MICHAEL TANNUZZO, SETH  
FISHMAN, LISA GIANNELLI, JORDAN  
FISHMAN, RICK DANE, JR., CHRISTOPHER  
OAKES, JASON SERVIS, KRISTIAN RHEIN,  
MICHAEL KEGLEY, JR., ALEXANDER CHAN,  
and REBECCA LINKE

Defendants.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 11/11/2020

1:20-cr-160 (MKV)

**SCHEDULING ORDER**

MARY KAY VYSKOCIL, United States District Judge:

On November 17, 2020 at 11:00AM, the Court will hold an Arraignment and Status Conference in this case. By letter dated November 10, 2020 [ECF No. 290], the Parties have requested that the proceeding be conducted telephonically. That request is GRANTED. The Arraignment and Status Conference will be conducted telephonically. To join the conference, dial 888-278-0296 and enter access code 5195844. As noted in the letter, all Defendants have consented to proceeding with the Arraignment and Status Conference by telephone.


The Parties' letter also explains that certain Defendants wish to waive appearance at the Arraignment and Status Conference altogether, while others intend to appear by telephone. In advance of the conference, and by no later November 13, 2020, Defendants must file on ECF the waivers necessary to allow the proceeding to go forward remotely. Any individual Defendant who wishes to waive his or her presence entirely for the proceeding (*i.e.* not attend the proceeding telephonically) must sign and submit a waiver of his or her right to be present in compliance with Federal Rule of Criminal Procedure 10. A form of such a waiver is attached to this order. Any Defendant who will participate in the Arraignment and Status Conference must

sign and submit a Consent to Proceed Remotely. A form of this waiver is also attached to this order.

Counsel for all Defendants must attend the Arraignment and Status Conference regardless of their client's decision about waiving presence.

**SO ORDERED.**

**Date: November 11, 2020  
New York, NY**

  
**MARY KAY VYSKOCIL  
United States District Judge**

**WAIVER OF PRESENCE UNDER**  
**FEDERAL RULE OF CRIMINAL PROCEDURE 10**

April 1, 2020

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA

-v-

,  
Defendant.

-----X

**WAIVER OF RIGHT TO BE PRESENT  
AT CRIMINAL PROCEEDING**

\_\_\_\_-CR-\_\_\_\_( ) ( )

**Check Proceeding that Applies**

\_\_\_\_ Arraignment

I have been given a copy of the indictment containing the charges against me and have reviewed it with my attorney. I understand that I have a right to appear before a judge in a courtroom in the Southern District of New York to confirm that I have received and reviewed the indictment; to have the indictment read aloud to me if I wish; and to enter a plea of either guilty or not guilty before the judge. After consultation with my attorney, I wish to plead not guilty. By signing this document, I wish to advise the court of the following. I willingly give up my right to appear in a courtroom in the Southern District of New York to advise the court that:

- 1) I have received and reviewed a copy of the indictment.
- 2) I do not need the judge to read the indictment aloud to me.
- 3) I plead not guilty to the charges against me in the indictment.

Date:

\_\_\_\_\_  
Signature of Defendant

\_\_\_\_\_  
Print Name

\_\_\_\_ Conference

I have been charged in an indictment with violations of federal law. I understand that I have a right to be present at all conferences concerning this indictment that are held by a judge in the Southern District of New York, unless the conference involves only a question of law. I understand that at these conferences the judge may, among other things, 1) set a schedule for the case including the date at which the trial will be held, and 2) determine whether, under the Speedy Trial Act, certain periods of time should be properly excluded in setting the time by which the trial must occur. I have discussed these issues with my attorney and wish to give up my right to be present at the conferences. By signing this document, I wish to advise the court that I willingly give up my right to be present at the conferences in my case for the period of time in which access to the courthouse has been restricted on account of the COVID-19 pandemic. I request that my

attorney be permitted to represent my interests at the proceedings even though I will not be present.

Date: \_\_\_\_\_  
Signature of Defendant

\_\_\_\_\_  
Print Name

I hereby affirm that I am aware of my obligation to discuss with my client the charges contained in the indictment, my client's rights to attend and participate in the criminal proceedings encompassed by this waiver, and this waiver form. I affirm that my client knowingly and voluntarily consents to the proceedings being held in my client's absence. I will inform my client of what transpires at the proceedings and provide my client with a copy of the transcript of the proceedings, if requested.

Date: \_\_\_\_\_  
Signature of Defense Counsel

\_\_\_\_\_  
Print Name

**Addendum for a defendant who requires services of an interpreter:**

I used the services of an interpreter to discuss these issues with the defendant. The interpreter also translated this document, in its entirety, to the defendant before the defendant signed it. The interpreter's name is: \_\_\_\_\_.

Date: \_\_\_\_\_  
Signature of Defense Counsel

**Accepted:** \_\_\_\_\_  
Signature of Judge  
Date:

**CONSENT TO PROCEED REMOTELY**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA,

-v-

,  
Defendant(s).

-----X

CONSENT TO PROCEED BY VIDEO  
CONFERENCE OR TELEPHONE  
CONFERENCE

\_\_\_\_\_-CR-\_\_\_\_\_( ) ( )

Defendant \_\_\_\_\_ hereby voluntarily consents to participate in the following proceeding via videoconferencing:

\_\_\_ Initial Appearance/Appointment of Counsel

\_\_\_ Arraignment (If on Felony Information, Defendant Must Sign Separate Waiver of Indictment Form)

\_\_\_ Preliminary Hearing on Felony Complaint

\_\_\_ Bail/Revocation/Detention Hearing

\_\_\_ Status and/or Scheduling Conference

\_\_\_ Misdemeanor Plea/Trial/Sentence

\_\_\_\_\_  
Defendant's Signature  
(Judge may obtain verbal consent on Record and Sign for Defendant)

\_\_\_\_\_  
Defense Counsel's Signature

\_\_\_\_\_  
Print Defendant's Name

\_\_\_\_\_  
Print Defense Counsel's Name

This proceeding was conducted by reliable videoconferencing technology.

\_\_\_\_\_  
Date

\_\_\_\_\_  
U.S. District Judge/U.S. Magistrate Judge